

REMARKS

Claims 1 through 20 are pending in this application. Claims 4, 5 and 8 through 20 stand withdrawn. Claims 1, 2, 6 and 7 stand under rejection. Claim 3 stands under objection solely for its dependency from a rejected claim. In response to the Office Action, dated December 23, 2003, claims 1 and 6 have been amended. Care has been taken to avoid the introduction of new matter. Favorable reconsideration of the application in light of the following comments is respectfully solicited.

Claims 1, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Okubora, of record, and U.S. patent 5,434,747 (Shibata). Claim 1 as now amended recites that the mounting member is a circuit board and that the "circuit board has a cutout so as to receive a tail of said optical element assembly, said first support member holding said optical element assembly on two sides." The amendments are supported by specification description at page 14, lines 11-16. Fig. 3 illustrates cutout 22d of the member 22.

Withdrawal of the rejection of claims 1, 2, 6 and 7 is respectfully solicited. It is submitted that none of the applied prior art documents discloses a circuit board that has a cutout so as to receive a tail of the optical element assembly therein. Neither Okubora nor Shibata discloses a first support member that holds the optical element assembly on two sides. As shown in Fig. 5 of Shibata, the conductive stand (5) supports the circuit board (4), not the photoelectric connector described in column 3, lines 9 and 10. As shown in Fig. 12 of Okubora, the transmission circuit board (12) and the receiving board (14) are partitioned and spaced apart by the metallic partition plate (40), and the metallic partition plate (40) does not support the light emitting element (5) and the light receiving element (6).

On the other hand, claim 1 as now amended requires that "said circuit board has a cutout so as to receive a tail of said optical element assembly." As there is nothing disclosed or suggested in the prior art for this claimed feature, it is submitted that claims 1, 2, 6 and 7 are patentably distinct.

Accordingly, allowance of the application is respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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